

## **REMARKS**

In this Response, Claims 1-6, 8-11 and 15 are amended. Claims 1-15 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

### **I. Claims Rejected Under 35 U.S.C. § 112**

Claims 1, 4 and 15 stand rejected under 35 U.S.C. § 112, second paragraph. Applicant amends Claims 1, 4 and 15 to remove the word “freely.”

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant amends Claim 2 to replace “an activity” with “at least one of the activities.”

Claims 2, 3, and 5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant amends Claims 2, 3, and 5 to replace “an activity” with “at least one of the activities.”

Claim 8 is rejected as lacking sufficient antecedent basis for the limitation “said service functions” in line 1 of the claim. Applicant amends Claim 8 to provide the antecedent basis.

Claims 9 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant amends Claims 9 and 10 to replace “and/or” with “or.”

Accordingly, withdrawal of the 35 U.S.C. § 112, second paragraph rejection is respectfully requested.

### **II. Claims Rejected Under 35 U.S.C. § 101**

Claims 1-15 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Applicant amends independent Claims 1 and 15 to recite “a method, implemented by a computer system programmed to configure....” In addition, each element of the claimed method of Claims 1 and 15 is performed by the computer system. Since a computer system is a particular

machine, amended Claims 1 and 15 are directed to statutory subject matter (*In re Bilski*, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008)).

Claims 2-14 depend from Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 1, these dependent claims are also directed to statutory subject matter.

Accordingly, withdrawal of the 35 U.S.C. § 101 rejection is respectfully requested.

### **III. Claims Rejected Under 35 U.S.C. § 102**

Claims 1, 5-7 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,023,572 by Lautzenheiser (hereinafter “Lautzenheiser”).

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claims. Among other elements, claim 1 is amended to recite:

performing, by the computer system, a backward depth-first search on the graph to schedule the activities according to a reverse chronological order to a first date presented in the graph, followed by a forward depth-first search on the graph to schedule remaining activities according to a chronological order.

Applicant submits that Lautzenheiser fails to disclose at least the amended elements of Claim 1. Lautzenheiser discloses a system for modeling activities of people in an organization (Lautzenheiser, Abstract). The system displays a project planning process that includes multiple sub-processes (Lautzenheiser, col. 7, line 54 – col. 8, line 21). However, the system of Lautzenheiser does not perform a backward depth-first search, followed by a forward depth-first search, as recited in amended Claim 1. There is no discussion in Lautzenheiser of performing a search on a graph.

Independent Claim 15 is amended to recite analogous elements. For at least the foregoing reasons, Lautzenheiser does not teach each of the elements of amended Claims 1 and 15.

In regard to Claims 5-7 and 10-14, these claims depend from Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 1, Lautzenheiser does not anticipate these claims. Accordingly, reconsideration and withdrawal of the § 102 rejection of Claims 1, 5-7 and 10-15 are respectfully requested.

**IV. Claims Rejected Under 35 U.S.C. § 103**

Claims 2-4, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lautzenheiser as applied to claim 1 above and in further view of U.S. Patent Publication No. 2002/0007289 issued to Malin, *et al.* (hereinafter “Malin”).

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art.

Claims 2-4, 8 and 9 depend from Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 1, Lautzenheiser does not disclose each of the elements of these dependent claims.

Malin does not cure the deficiency in Lautzenheiser. The Examiner did not identify and Applicant has been unable any passage in Malin that disclose the amended elements of Claim 1.

For at least the foregoing reasons, Lautzenheiser in view of Malin does not teach or suggest each of the elements of Claims 2-4, 8 and 9. Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 2-4, 8 and 9 are requested.

**CONCLUSION**

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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